

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

266130US6PCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/525802**

INTERNATIONAL APPLICATION NO.  
PCT/EP03/08617

INTERNATIONAL FILING DATE  
4 August 2003

PRIORITY DATE CLAIMED  
4 September 2002

TITLE OF INVENTION  
APPLICATOR FOR AN ELECTROSURGICAL INSTRUMENT

APPLICANT(S) FOR DO/EO/US  
Guenter FARIN, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

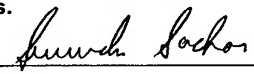
1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Application Data Sheet  
Notice of Priority  
Drawings (1 Sheet)  
PTO-1449/Cited References (2)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |              |  |            |   |                   |
|---|--------------|--|------------|---|-------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/525802</b>   |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/EP03/08617</b>                 |            | ATTORNEY'S DOCKET NUMBER<br><b>266130US6PCT</b>   |                   |
| 24. The following fees are submitted:   |              |  |            | Applicant use   | Office use        |
| <input checked="" type="checkbox"/> a) Basic national fee .....   |              | \$300.00   |            | \$  | \$300.00          |
| <input checked="" type="checkbox"/> b) Examination fee .....  |              | \$200.00   |            | \$  | \$200.00          |
| <input checked="" type="checkbox"/> c) Search fee .....   |              | \$500.00   |            | \$  | \$400.00          |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              | <b>\$1000.00</b>   |            | \$  | <b>\$900.00</b>   |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |              |  |            |   |                   |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE       |   |                   |
| - 100 =   | /50 =        |  | x \$250.00 | \$  | \$0.00            |
| Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |  |            | \$  | \$130.00          |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA   | RATE       |   |                   |
| Total claims  | 19 - 20 =    | 0  | x \$50.00  | \$  | \$0.00            |
| Independent claims  | 1 - 3 =      | 0  | x \$200.00 | \$  | \$0.00            |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00   |              |  |            | \$  | \$0.00            |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |  |            | \$  | <b>\$1,030.00</b> |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |            | \$  | \$0.00            |
| <b>SUBTOTAL =</b>   |              |  |            | \$  | <b>\$1,030.00</b> |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).   |              |  |            | \$  | \$0.00            |
| <b>TOTAL NATIONAL FEE =</b>   |              |  |            | \$  | <b>\$1,030.00</b> |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +   |              |  |            | \$  | \$0.00            |
| <b>TOTAL FEES ENCLOSED =</b>  |              |  |            | \$  | <b>\$1,030.00</b> |
| Amount to be refunded:  |              |  |            |   | \$                |
| Amount to be charged:   |              |  |            |   | \$                |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is<br>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>15-0030</b> . A duplicate copy of this sheet is enclosed.<br>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038. |              |  |            |   |                   |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  |              |  |            |   |                   |
| SEND ALL CORRESPONDENCE TO:   |              |  |            |   |                   |
| CUSTOMER NUMBER<br>22850  |              | Surinder Sachar<br>Registration No. 34,423                             |            | SIGNATURE<br><br><b>Gregory J. Maier</b><br>NAME<br><b>25,599</b><br>REGISTRATION NUMBER |                   |

Docket No. 266130US6PCT

IN RE APPLICATION OF: Guenter FARKIN, et al.

SERIAL NO: New U.S. PCT Application based on PCT/EP03/08617

FILED: Herewith

FOR: APPLICATOR FOR AN ELECTROSURGICAL INSTRUMENT

10/525802  
DT01 Recd PCT/PTO 25 FEB 2005

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required

☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.

☒ Additional documents filed herewith: Credit Card Payment Form for \$1030.00/PCT Transmittal Letter  
Application Data Sheet/Preliminary Amendment (with cover sheet)/Notice of Priority  
English Translation of Specification/Drawings (1 Sheet)  
Information Disclosure Statement/PTO-1449/Cited References (2)  
International Search Report

The Fee has been calculated as shown below:

| CLAIMS      | CLAIMS<br>REMAINING |  | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID | NO.<br>EXTRA<br>CLAIMS | RATE      | CALCULATIONS |
|-------------|---------------------|--|---|------------------------|-----------|--------------|
| TOTAL       | 19                  | MINUS  | 20                                      | 0                      | x \$50 =  | \$0.00       |
| INDEPENDENT | 1                   | MINUS  | 3                                       | 0                      | x \$200 = | \$0.00       |
|             |                     | <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS                   |   |                        | + \$360 = | \$0.00       |
|             |                     | TOTAL OF ABOVE CALCULATIONS  |   |                        |           | \$0.00       |
|             |                     | <input type="checkbox"/> Reduction by 50% for filing by Small Entity |   |                        |           | \$0.00       |
|             |                     | <input type="checkbox"/> Recordation of Assignment                   |   |                        | + \$40 =  | \$0.00       |
|             |                     | TOTAL  |   |                        |           | \$0.00       |

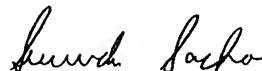
☐ A check in the amount of \$0.00 is attached.

☐ Credit card payment form is attached to cover the fees in the amount of \$0.00

☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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DOCKET NO.: 266130US6PCT

10/525802  
BT01 Rec'd PCT TC 25 FEB 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Guenter FARIN, et al.  
SERIAL NO.: NEW U.S. PCT APPLICATION  
FILED: HERewith  
INTERNATIONAL APPLICATION NO.: PCT/EP03/08617  
INTERNATIONAL FILING DATE: August 4, 2003  
FOR: APPLICATOR FOR AN ELECTROSURGICAL INSTRUMENT

**REQUEST FOR PRIORITY UNDER 35 U.S.C. 119  
AND THE INTERNATIONAL CONVENTION**

Commissioner for Patents  
Alexandria, Virginia 22313


Sir:

In the matter of the above-identified application for patent, notice is hereby given that the applicant claims as priority:

| <b><u>COUNTRY</u></b> | <b><u>APPLICATION NO</u></b> | <b><u>DAY/MONTH/YEAR</u></b> |
|-----------------------|------------------------------|------------------------------|
| Germany               | 102 40 847.5                 | 04 September 2002            |

Certified copies of the corresponding Convention application(s) were submitted to the International Bureau in PCT Application No. PCT/EP03/08617.

Respectfully submitted,  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
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